

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CAROL L. NELSON,

Plaintiff,

V.

NANCY A. BERRYHILL,

Defendant.

CASE NO. C16-5800-BHS-BAT

REPORT AND RECOMMENDATION

Plaintiff appeals the denial of her applications for disability benefits. Dkt. 3. The parties
note the case should be reversed and remanded. Dkt. 19. The Court has considered the
motion and the record and recommends the case be **REVERSED** and **REMANDED** under
Rule four of 42 U.S.C. § 405(g).

On remand, if the Commissioner does not issue a fully favorable decision on the record, Plaintiff will have the opportunity for a de novo hearing. If the Appeals Council does not issue a fully favorable decision, the Administrative Law Judge will obtain updated treatment records and reevaluate the medical evidence to assess whether Plaintiff meets or equals a listing; consider Plaintiff's need for assistive devices and the need to lie down during the day; reevaluate Plaintiff's allegations of symptoms and limitations; and reevaluate the statements of Plaintiff's husband. If needed, the rest of the sequential evaluation process will be conducted.

The parties further stipulate that, upon proper application to the Court, Plaintiff shall be eligible for reasonable attorney fees pursuant to 28 U.S.C. § 2412 *et seq.*

Because the parties have stipulated the case be remanded as set forth above, the Court recommends that United States District Judge Benjamin H. Settle immediately approve this Report and Recommendation and order the case **REVERSED** and **REMANDED** for further administrative proceedings as set forth above. A proposed order accompanies this Report and Recommendation.

DATED this 1st day of March, 2017.

BT
BRIAN A. TSUCHIDA
United States Magistrate Judge